



ORDINANCE NUMBER 2817

AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, BY GRANTING A SPECIFIC USE PERMIT TO ALLOW ON-SITE SALES AND CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN A QUALIFYING RESTAURANT TO BE LOCATED AT 13260 JOSEY LANE, SUITE 109, GENERALLY AT THE NORTHEAST CORNER OF JOSEY LANE AND VALLEY VIEW LANE AND WITHIN THE PLANNED DEVELOPMENT NUMBER 6 (PD-6) ZONING DISTRICT; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS; PROVIDING FOR INJUNCTIVE RELIEF; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Farmers Branch deems it necessary, for the purpose of promoting the health, safety, morals, or general welfare of the City to enact a new zoning ordinance; and

WHEREAS, the City Council has appointed a Planning and Zoning Commission to recommend the boundaries of the various original zoning districts and appropriate regulations be enforced therein and to recommend a new zoning ordinance to amend the Comprehensive Zoning Ordinance; and

WHEREAS, the Planning and Zoning Commission has divided the City into districts and has prepared regulations pertaining to such districts in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health, general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; and

WHEREAS, the Planning and Zoning Commission, has given reasonable consideration, among other things, the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City; and

WHEREAS, the Planning and Zoning Commission of the City of Farmers Branch and the City of Farmers Branch City Council, in compliance with the Charter of the City of Farmers Branch, and state law with reference to the granting of changes to the zoning classifications under the Zoning Ordinance Regulations and Zoning Map, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally, and to the persons interested and situated in the affected area and in the vicinity thereof, the City of Farmers Branch City Council is of the opinion that due to a change in condition and in order to protect the public health, welfare and safety, said change in zoning should be made.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS:

SECTION 1. That all matters stated in the preamble are found to be true and correct and are incorporated herein as if copied in their entirety.

SECTION 2. That the Comprehensive Zoning Ordinance of the City of Farmers Branch, Texas, be, and the same is hereby amended, by amending the Zoning Map of the City of Farmers Branch so as to grant a specific use permit to allow on-site sales and consumption of alcoholic beverages within a qualifying restaurant to be located at 13260 Josey Lane, Suite 109, generally located at the northeast corner of Josey Lane and Valley View Lane and within Planned Development Number 6 (PD-6) zoning district (hereinafter the "Property"), as described in Exhibit "A" and depicted in Exhibit "B," subject to the terms and conditions contained herein.

SECTION 3. That the Property shall conform in operation, location and construction to the development standards specified within the Planned Development Number 6 (PD-6) zoning district and in accordance with the approved site plan attached as Exhibit "C," the plan of operation attached as Exhibit "D" and the alcohol awareness program attached as Exhibit "E." All exhibits attached hereto are incorporated herein by reference.

SECTION 4. That the site plan attached hereto as Exhibit "C" is approved with the following condition:

1. The proposed landscaping shall be installed and the additional parking striped, prior to issuance of a certificate of occupancy for the restaurant.

SECTION 5. That the alcohol sales shall, at all times, maintain full compliance with all requirements of Texas State Law and the City of Farmers Branch Comprehensive Zoning Ordinance relative to such use.

SECTION 6. If any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.

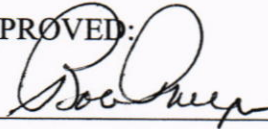
SECTION 7. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Farmers Branch and upon conviction shall be punished by a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense.

SECTION 8. In addition to and accumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.

SECTION 9. This ordinance shall take effect immediately from and after its passage as the law in such case provides.

DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, on this the 16th day of May, 2005.

APPROVED:



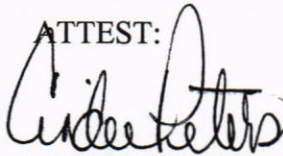
Mayor

APPROVED AS TO FORM:



City Attorney

ATTEST:



City Secretary

Exhibit "A" – Legal Description

Lot 2 of the Valley View Central Addition Revised, City of Farmers Branch, Dallas County, Texas. Volume 2001056, page 010.

Exhibit "B" – Locator Map

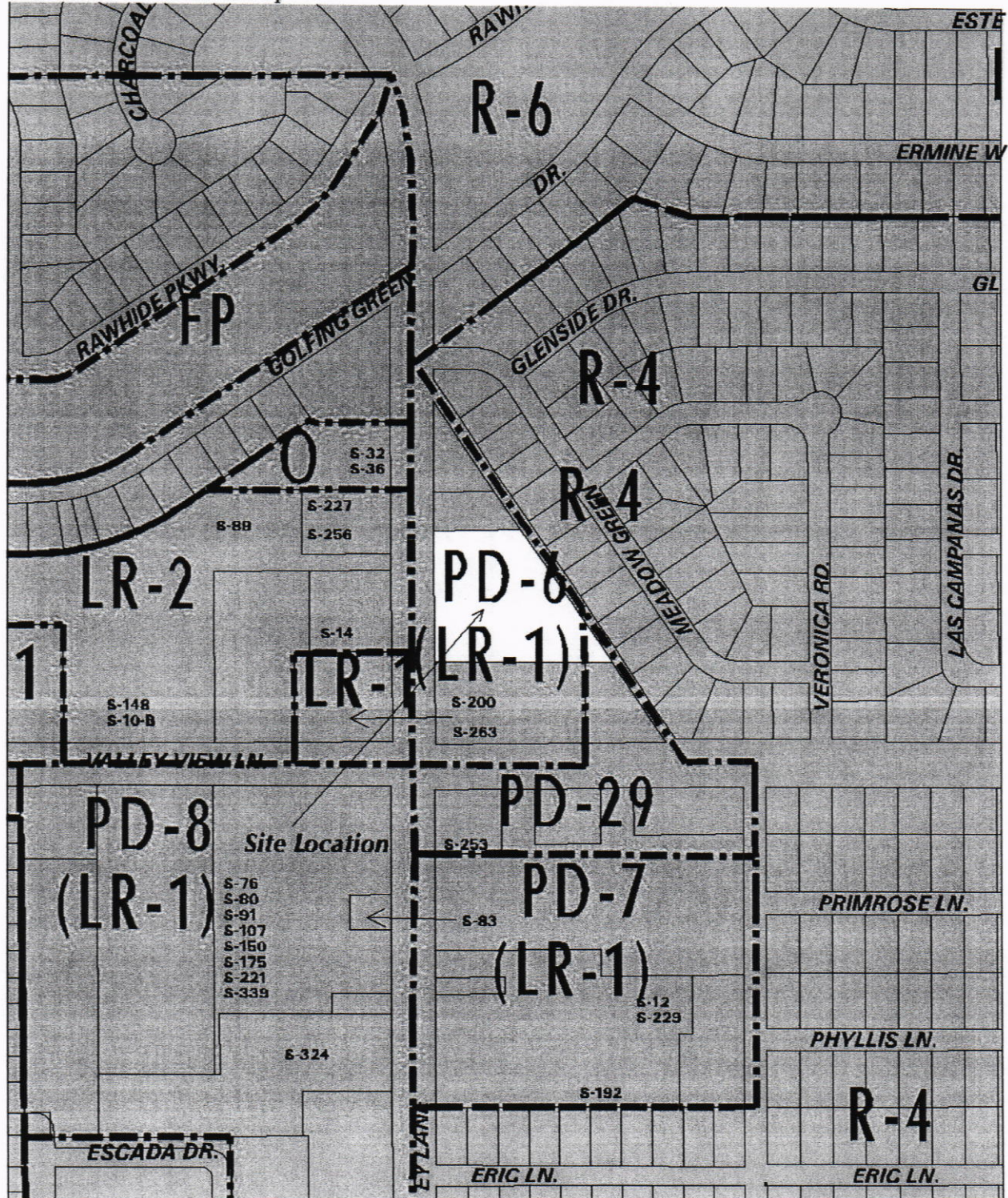
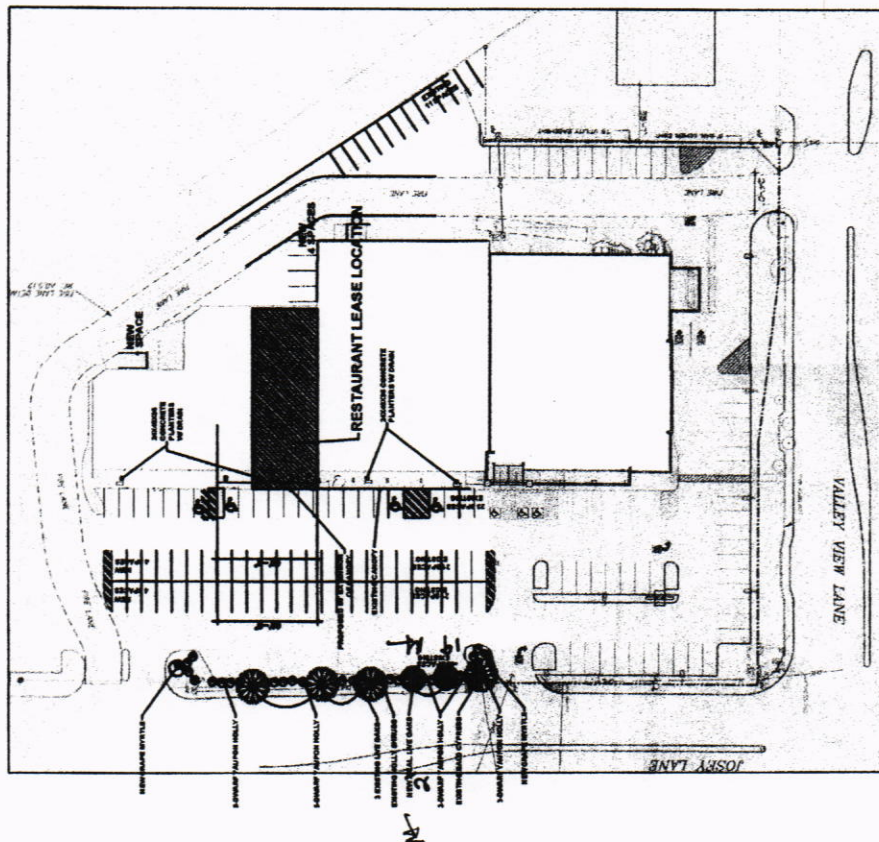


Exhibit "C" – Site Plan and Landscape Plan

CUQUITA'S RESTAURANT
13260 JOSEY LANE, SUITE 109
FARMERS BRANCH, TEXAS 75234

A100
SITE PLAN
DATE: 04/20/05
DRAWN BY: J. GARCIA
CHECKED BY: J. GARCIA
PROJECT ARCHITECT: J. GARCIA

RECEIVED
APR 19 2005
 PLANNING DEPARTMENT



ADDITIONAL PLANTING MATERIAL

- 2 6'-4" TALL GRAPE MYRTLE
- 2 2'-6" TALL LIVE OAK TREES
- 1 DWARF YAUPOIN HOLLY

PARKING CONFIGURATION

CURRENT PARKING = 44
 EXPANDED PARKING = 13
 TOTAL PARKING = 57
 (INCLUDES 4 ADA SPACES)

106 N

1 EXISTING SITE PLAN

NOTE: THE PURPOSE OF THIS DRAWING IS TO CONVEY THE LOCATION OF THE RESTAURANT ONLY WITHIN THE EXISTING BUILDING. THE PROPOSED EXTENSION OF THE COVERED WALKWAY, PROPOSED LANDSCAPING, AND PROPOSED PARKING.

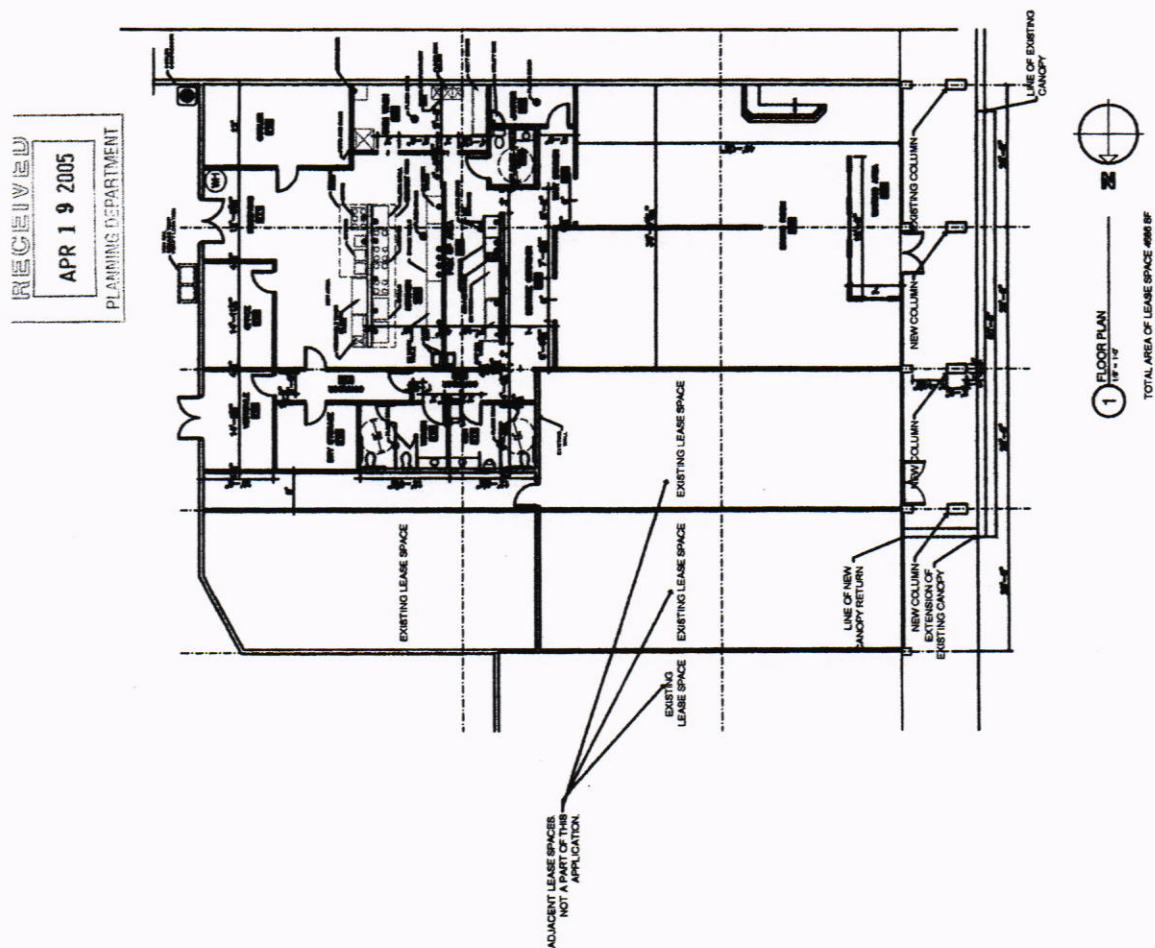
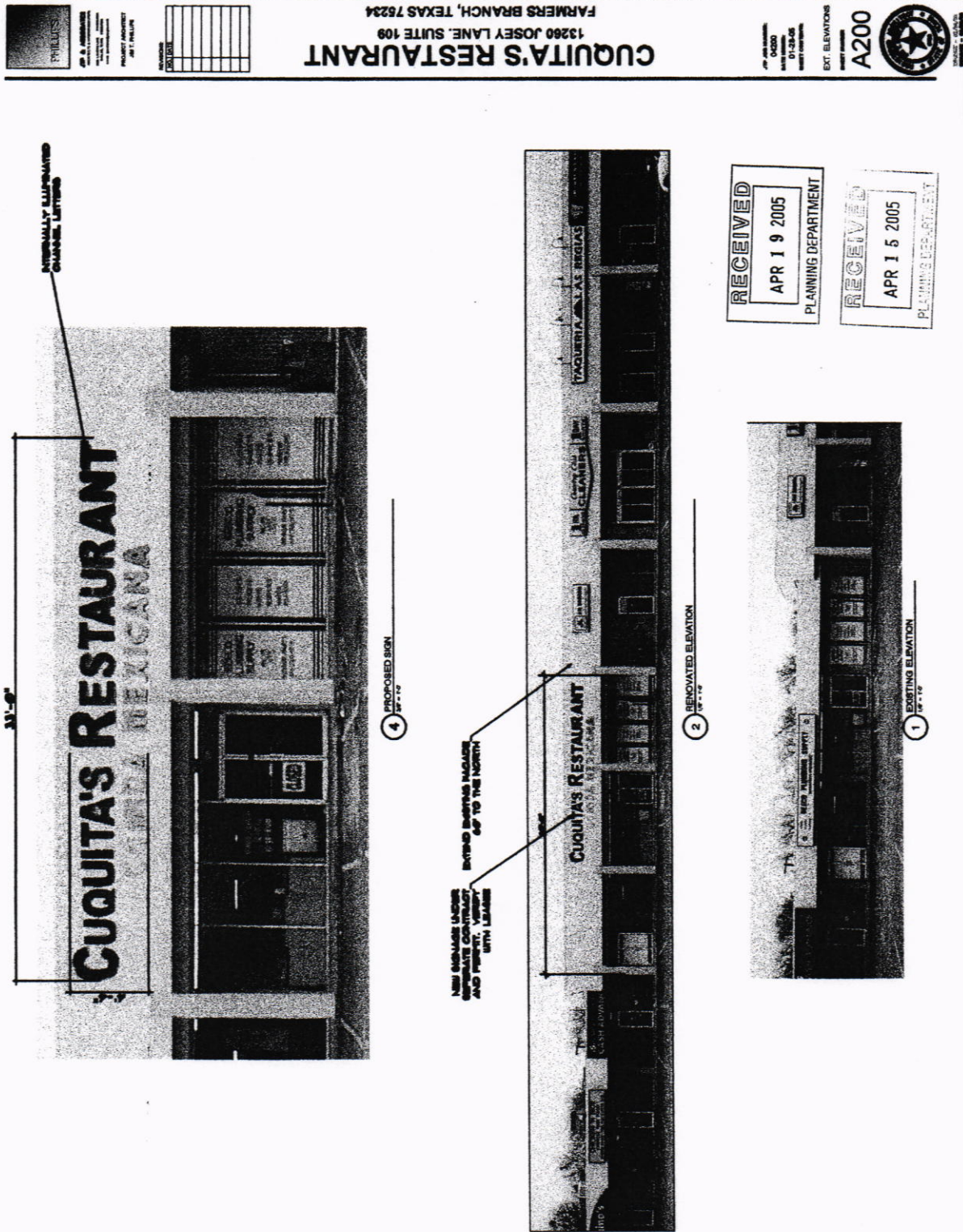
[illegible]

Exhibit "C" (continued) – Elevation Drawing



City of Farmers Branch P.O. Box 819010 Farmers Branch, Texas 75381-9010 972/247-3131
 Linked in Friendship with District of Bassetlaw, England, Garbsen and Schönebeck, Germany.
 Internet URL...<http://www.ci.farmers-branch.tx.us>

Exhibit "D" – Plan of Operation



Planning & Zoning Commission of the City of Farmers Branch
Application for Specific Use Permit

PLAN OF OPERATION

All non-residential uses must provide the following information with the application:

Describe proposed use Mexican Restaurant - sale of
alcoholic beverages within restaurant

Indicate hours of operation of the proposed use open 7 days per week;
8 a.m. - 10 p.m.; alcohol sales the same except Sunday
will be 10 a.m. - 10 p.m.; will comply with state regulations

Total number of employees approximately 30 to 35

Indicate if any storage is proposed outside the building no

Indicate if any activity is proposed outside the building none

Any other relevant unique information on the business or site none

G:\Planning and Zoning\Application forms\Specific Use Permit\SUP Plan of Operation feb 2005.doc, 02/17/2005



City of Farmers Branch P.O. Box 819010 Farmers Branch, Texas 75381-9010 972/247-3131
Linked in Friendship with District of Bassetlaw, England, Garbsen and Schönebeck, Germany.
Internet URL...<http://www.ci.farmers-branch.tx.us>

Exhibit "E" – Alcohol Awareness Program

Cuquita's Restaurant
Alcohol Awareness Program



Cuquita's Restaurant requirements for alcohol service are as follows:

1. Cuquita's Restaurant will require wait staff and managers to attend a state-approved alcohol-serving program. The program will be approved by the Texas Alcoholic Beverage Code.
2. Cuquita's Restaurant wait staff and managers will take a written examination at the completion of the state approved alcohol-serving program.
3. Customers will provide a legal picture ID that will consist of one of the following: Driver's License, Military ID, State ID or Passport upon request.
4. A Cuquita's Restaurant Manager will be on duty to ascertain whether or not a customer can be served alcohol.
5. Cuquita's Restaurant will abide by the Texas Penal Code.
6. Cuquita's Restaurant will abide by the Texas Alcoholic Beverage Code.
7. All of Cuquita's Restaurant employees who directly or indirectly handle alcoholic beverages will be at least 18 years of age.
8. Only Cuquita's Restaurant wait staff will serve alcoholic beverages and all alcoholic beverages will be served for consumption inside the restaurant only.
9. All customers who purchase alcoholic beverages must be at least 21 years of age.
10. Alcoholic beverages will not be sold, served or delivered to any person who is, or is believed to be intoxicated.
11. Anyone that is, or is believed to be intoxicated will not be permitted to remain on the premises.
12. Cuquita's Restaurant will call a cab to transport anyone who is, or believed to be intoxicated.
13. Any unlawful acts will be reported to the police.
14. No alcoholic beverages will be sold before opening.
15. No alcoholic beverages will be sold after closing.
16. Cuquita's Restaurant will not hang any exterior signs advertising the sale of alcohol.
17. Cuquita's Restaurant's gross sale of food shall be at least 60% of the gross sales for each quarterly reporting period.
18. Cuquita's Restaurant shall maintain and keep records necessary to demonstrate compliance with the minimum 60% food and non-alcoholic beverage sales of the restaurant's total gross sales.

City of Farmers Branch P.O. Box 819010 Farmers Branch, Texas 75381-9010 972/247-3131
Linked in Friendship with District of Bassetlaw, England, Garbsen and Schönebeck, Germany.
Internet URL...<http://www.ci.farmers-branch.tx.us>